

REMARKS

The above Amendments and these Remarks are in reply to the Office Action mailed September 7, 2004. Claims 7-15 having been withdrawn, Claims 1-6 and 16-26 are presented herewith for consideration.

Rejection of Claims 1-6 and 16-26 Under 35 U.S.C. §102(a)

Claims 1-6 and 16-26 are rejected under 35 U.S.C. §102(a) as being disclosed by U.S. Patent No. 6,076,109 to Kikinis ("Kikinis"). Applicants respectfully traverse the rejection as follows.

Kikinis relates to a hyper text protocol involving a remote device, such as a hand-held unit 13 operatively coupled to a proxy server 19. The proxy server 19 is in turn operatively coupled to a web server, referred to as "any web server" 23. In operation, the remote unit 13 makes a request on the any web server 23 via the proxy server 19. If the any web server 23 receives a request, it then transfers information to the remote unit 13 via the proxy server 19.

Claims 1-6 and 23-26

Each of Claims 1-6 and 23-26 recite, in one form or another, a system for providing access to a base device identified with a user of a remote client device, where the communication between the remote device and the base device is initiated by the base device.

- "a user server operatively coupled to said web server and said remote client device, said user server further configured to communicate data between the base device and the user of the remote client device, said user server further configured to communicate data with said base device *via requests initiated by said base device.*" (Claims 1-6).
- "communicating data between the base device and the remote client device via said user server *from requests initiated by said base device.*" (Claims 23-26).

In general, in accordance with the present invention, a user of a remote device 54 will make a request (for example to read or write information) that is communicated to a user server module 18. Periodically, the base device 42 will initiate contact with the user server module 18 to see if a request has come in. This feature is explained in the application for example at page 23, lines 14-23:

Preferably, communications between the base device 42 and the Sili server 30 are initiated by the base device 42. For example, a base device 42 which maintains a full time Internet connection is generally configured to periodically communicate "job request" commands at a predetermined interval (e.g., forty (40) seconds) to the Sili server 30. In response, the Sili server 30 may indicate "no job" or "job request by a user server module". "No job" is communicated where the user associated with the base device 42 is not requesting data at this time. "Job request by a user sever module" is communicated when the user associated by the base device 42 is requesting data (which is indicated to the Sili server 30 by the agent communication module 60 as noted above).

The advantages of such a system are explained in the application at page 26, line 19 through page 27, line 8:

As described above, communication sequences between the system 10 (Sili server 30 and user server module 18) and the base device 42 are generally initiated by the base device 42, rather than the system 10. . . This arrangement provides several advantages which overcomes problems associated with the prior art. First, security is increased since the data communications are initiated by the base device rather than by the system 10. By requiring the base device to initiate communication (and therefore establish a connection socket), hacking into the base device from the outside becomes a more difficult task. Additionally, the invention may be practiced even if the base device is behind firewall because the base device initiates communication and opens the connection to the agent communication module, thereby allowing reply communications and task commands to be communicated from the agent communication module.

The Examiner indicated that the feature of requests being initiated by the base device was shown in Kikinis, specifically in Fig. 4 and at Col. 10, lines 5-20 of the reference. However, applicants respectfully submit that the claimed invention including requests initiated by the base device is not shown at the cited portions of the reference, or anywhere else within the reference. In Kikinis, a remote unit 13 is capable of communicating with a server 23 via the proxy server 19. Server 23 is broadly described as being any server (and is in fact called "any web server" 23), including generally public websites. It would be clear to one of average skill in the art that the "any web server" 23 does not initiate communications with either the remote unit 13 or the proxy server

19. Instead, the any web server 23 merely replies to requests once it is contacted. This is in fact clear from the section cited by the Examiner:

Referring now to FIG. 4, ... [f]ollowing the activity at the hand-held, at step 79 a request is sent from the hand-held (after having been entered by the user) to access a page on the WWW. This request is represented by the URL WWW.Any.Com, which can be any valid Universal Resource Locator (URL) for the Internet.

At step 81 the Proxy-Server receives this request. The proxy server processes the request from the hand-held and at step 83 issues a new request through its own full-service browser, through its connection to the Internet, to access WWW.Any.Com. *At step 85 the WWW server at WWW.Any.Com receives the request from the Proxy-Server and at step 87 sends its home page HTML file, represented as Home.HTML, to the Proxy-Server.* (Kikinis, Col. 10, lines 5-20) (Emphasis added).

Kikinis has no disclosure, teaching or suggestion of any kind of the above-discussed claim limitations relating to communications being initiated by the base device. This may in part be explained by the fact that Kikinis is not concerned with and does not address the problem of increased security and accessing secure information from a base device behind a firewall.

It is axiomatic that each and every claim limitation must be found in a single prior art reference to support a rejection under §102. *Apple Computer, Inc. v. Articulate Systems, Inc.*, 234 F.3d 14, 20 (Fed. Cir. 2000). Omission of any claimed element, no matter how insubstantial, is grounds for traversing a rejection based on §102. *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542 (Fed. Cir. 1983). As Kikinis has no disclosure, teaching or suggestion of a remote access system where communication is initiated by the base device, and as Kikinis does not even address the problem to which this solution is directed, it is respectfully submitted that the invention recited in Claims 1-6 and 23-26 is patentable over the cited reference. It is therefore respectfully requested that the rejection of these claims on §102 grounds be withdrawn.

Claims 16-22

Each of Claims 16-22 recite a system for providing access to a base device identified with a user of a remote client device, comprising in part:

a load balancing module coupled to the user server for allocating resources on a user by user basis.

It is respectfully submitted that this feature is nowhere disclosed, taught or suggested in the cited reference.

The present invention employs a load balancing module for improved resource allocation. The feature is described for example in the application at page 18, lines 6-14:

The load balancing module 52 carries out an enhanced user server module designation algorithm which overcomes disadvantages in the prior art. Prior art load balancing allocates resources on a request by request basis without regard to who is making the request, and therefore resources of a plurality of machines may be delegated to a single user. In contrast, the load balancing module 52 allocates user server module designation on a user by user basis, rather than based on requests. Thus, a user is designated a particular user server module 18. Requests made by the same user are directed to the same user server module during a "session" defined for the user.

It does not appear that the Examiner considered this limitation relating the load balancing module. In the Office action, Claims 16-22 were said to be rejected on the same grounds as set forth with respect to Claims 1-6, but the load balancing module limitation does not appear in Claims 1-6, and nowhere in the rejection of Claims 1-6 was the load balancing module discussed. In any event, Kikinis has no disclosure, teaching or suggestion of any kind of the above-discussed claim limitations relating to load balancing. This may in part be explained by the fact that Kikinis is not concerned with and does not address the problem of resource allocation.

As Kikinis has no disclosure, teaching or suggestion of a remote access system including a load balancing module, and as Kikinis does not even address the problem to which this solution is directed, it is respectfully submitted that the invention recited in Claims 16-22 is patentable over the cited reference. It is therefore respectfully requested that the rejection of these claims on §102 grounds be withdrawn.

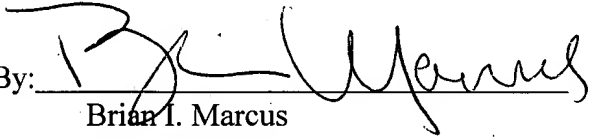
Based on the above amendments and these remarks, reconsideration of Claims 1-6 and 16-26 is respectfully requested.

The Examiner's prompt attention to this matter is greatly appreciated. Should further questions remain, the Examiner is invited to contact the undersigned attorney by telephone.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 501826 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

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